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**WPA 8714 of 2020**  
(Through Video Conference)

Subrata Dey  
Vs.  
Calcutta Electric Supply Corporation Limited & Ors.

Mr. Sibaji Kumar Das  
... For the petitioner.

Mr. Naba Kumar Das  
For CESC Limited.

Mr. Debasis Kar,  
Mr. Subhajit Chowdhury  
... For the respondent nos. 8 to 11.

The petitioner says that the petitioner's father, Late Rabindra Nath Dey during his lifetime, had allowed Siddeshwari Halder, mother of the respondent nos. 5, 6 and 7, to reside at premises No.A/34, Milan Pally, Airport 2 No. Gate, Post Office - Italgacha, Police Station Dumdum, Kolkata - 700079 (hereinafter referred to as the said premises).

Rabindra Nath Dey during his lifetime had filed a suit for recovery of possession against Siddeshwari Halder. During the pendency of the suit, Siddeshwari Halder died and as such, the respondent nos. 5, 6 and 7 were made parties to the said suit. A decree for recovery of possession was passed in the said suit.

The petitioner complains of the action on the part of CESC Limited, the licensee, for proceeding

to give connection to the respondent nos. 5, 6 and 7, who have, according to the petitioner, no right to reside or occupy the said premises subsequent to the passing of the decree, which has not been appealed against. The decree has been put to execution and the execution application is pending. It appears from the cause title as also from the statements made in the writ petition that respondent nos. 8 and 9 reside at premises No.A/35, Millan Pally, Airport 2 No. Gate, Post Office, Italgacha, Police Station – Dumdum, Kolkata – 700 079 whereas respondent nos. 10 and 11 reside at premises No.A/36, Millan Pally, Airport 2 No. Gate, Post Office, Italgacha, Police Station – Dumdum, Kolkata – 700 079. The petitioner says that the respondent nos. 5, 6 and 7 are seeking electricity for respondent nos. 8 to 11. It is difficult to conceive as to the nexus between the respondent nos. 8 to 11 with respondent nos. 5 to 7 in this writ petition with regard to giving an electric connection to respondent nos. 5 to 7.. Apart from the allegation made by the petitioner that the respondent nos. 8 to 11 will be the actual beneficiary of the electric connection applied for by respondent nos. 5 to 7 nothing more appears from the writ petition. Respondent nos. 8 to 11 have themselves have not applied for electricity and the petitioner is also not claiming any right either in respect of premises No.

A/35 or A/36, Millan Pally, Airport 2 No. Gate, Post Office, Italgacha, Police Station – Dumdum, Kolkata – 700 079. It appears to me that the respondent nos. 8 to 11 are neither necessary nor a proper parties to this proceeding. The said respondents are, therefore, expunged from the array of the respondents in this writ petition.

Respondent nos. 5, 6 and 7 are not represented. The affidavit of service affirmed on 14<sup>th</sup> October, 2020 only shows dispatch of the writ petition. There is no acknowledgement card or track report produced evincing service upon the respondent nos. 5, 6 and 7.

On behalf of CESC Limited, it is submitted that application for new connection has been made only by respondent no.6, once on 16<sup>th</sup> May, 2019 and again on 21<sup>st</sup> May, 2019. Pursuant to the application made on 16<sup>th</sup> May, 2019, inspection was held on 17<sup>th</sup> May, 2019 when the access to the meter room was not available which was communicated to the said respondent no.6 on 20<sup>th</sup> May, 2019. In respect of application made on 21<sup>st</sup> May, 2019 a further inspection was carried out on 23<sup>rd</sup> May, 2019 when the access to the meter room was again denied, which was duly communicated to the applicant respondent no.6, Aruna Biswas on 24<sup>th</sup> May, 2019. Subsequent thereto, no further steps have been

taken by the respondent no.6 for getting a new connection.

On 6<sup>th</sup> June, 2019, the writ petitioner had raised an objection against any new service connection to be given to the respondent nos. 5 to 7. Since thereafter, neither of the respondent nos. 5 to 7 have made any application or ventilated their grievances as against CESC Limited. Nothing further has happened in the matter.

After hearing the petitioner and the appearing respondents it is clear that no new connection to respondent nos. 5 to 7 is contemplated at this stage.

The apprehension of the petitioner is not well-founded in the facts and circumstances of the instant case.

The writ petition can be disposed of by directing the CESC Limited, to consider the objection raised by the petitioner on 6<sup>th</sup> June, 2019 before granting any new connection to the respondent nos. 5 to 7.

Nothing further remains to be adjudicated in the writ petition, the same is accordingly disposed of.

Since I have not called for affidavits, the allegations contained in the writ petition are deemed to have not been admitted.

Urgent photostat certified copy of this order, if applied for, is to be given to the parties upon usual undertakings.

**(Arindam Mukherjee, J.)**